

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

**SA.No. 60 of 1996(F)**  
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( AS.40/1993 of PRINCIPAL SUB COURT,ALAPPUZHA  
OS.41/1985 of PRL.MUNSIFF COURT, CHERTHALA )

APPELLANT/APPELLANTS/1<sup>st</sup> DEFENDANT:  
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SERVICE CO-OPERATIVE SOCIETY NO.1175,  
ERAMALLOOR , REPRESENTED BY ITS (a) PRESIDENT  
AND (b) SECRETARY

BY ADV. SMT.T.D.RAJALAKSHMI  
ADV. SRI.P.N.MOHANAN

RESPONDENTS/RESPONDENTS/PLAINTIFF & DEFENDANTNOS. 2 &3:  
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1. JOHN, S/O. SEBASTIAN,  
KIZHAKKE VELIYANADU,  
PULINCUNNU VILLAGE, KUTTANAD TALUK.
2. MAHESWARAN PILLAI,  
CUSTOMS DEPARTMENT,  
SPECIAL CUSTOMS, PREVENTIVE UNIT,  
KANHANGAD, KASARAGOD DISTRICT.
- \*3. LAKSHMANAN PILLAI, CHETTIKKATTU HOUSE,  
ERAMALLOOR, CHERTHALA . (*\*DIED. L.Rs ARE IMPEADED.* )
- \*Addl.R4. GIRIJA DEVI, W/O. LATE LAKSHMANAN PILLAI,  
KATTISSERI VELI (VRINDAVANAM),  
ERAMALLUR P.O., CHERTHALA PIN 688 537
- \*Addl.R5. SREEDEVI, D/O. LATE LAKSHMANAN PILLAI,  
KATTISSERI VELI (VRINDAVANAM)  
ERAMALLUR P.O., CHERTHALA. PIN 688 537.
- \*Addl.R6. KALADEVI, D/O. LATE LAKSHMANAN PILLAI,  
KATTISSERI VELI , ERAMALLUR P.O., CHERTHALA. PIN 688 537.

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\*Addl.R7. AMBIKA DEVI, D/O. LATE LAKSHMANAN PILLAI,  
KATTISSERI VELI (VRINDAVANAM)  
ERAMALLUR P.O. CHERTHALA 688 537.

\*Addl.R8. UMADEVI, D/O. LATE LAKSHMANAN PILLAI,  
KATTISSERI VELI (VRINDAVANAM)  
ERAMALLUR P.O., CHERTHALA. PIN 688 537.

***(\*ADDL.R4 TO R8 ARE IMPEADED AS LEGAL REPRESENTATIVES OF  
DECEASED THIRD RESPONDENT, BY ORDER DATED 22.08.2007 IN I.A.NO.  
1902 OF 2004.)***

R1 BY ADV. SRI.V.L.SHENOY  
ADDL.R4 TO R8 BY ADV. SRI.JEEMON K.ABRAHAM &  
BY ADV. SRI.VINEETH KURIAKOSE

THIS SECOND APPEAL HAVING COME UP FOR ORDERS  
ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**H.L. DATTU, C.J. & K.T. SANKARAN, J.**

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**No.      OF**

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**Dated this the      , 200**

**J**

**H.L. Dattu, C.J.:**

**H.L. DATTU,  
CHIEF JUSTICE.**

**K.T. SANKARAN,  
JUDGE.**

**lk**

**K.T. SANKARAN, J.**

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**S.A. No. 60 OF 1996**  
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**Dated this the 1<sup>st</sup> December , 2007**

**J U D G M E N T**

The second respondent is dead. Steps were not taken to implead the legal representatives of the second respondent. When the case was posted before the Registrar (Judicial) on 26.10.2007, there was no representation. The case was ordered to be posted on 02.11.2007. Steps were not taken even thereafter. Again the case was posted before the Registrar (Judicial) on 16.11.2007. There was no representation for the appellant. Even now, defects are not cured.

The Second Appeal is therefore dismissed for default.

**K.T. SANKARAN,  
JUDGE.**

**lk**

**K.T. SANKARAN, J.**

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**S.A. No. 60 OF 1996**

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**Dated this the 1<sup>st</sup> December, 2007**

**J U D G M E N T**